

Exhibit 5

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HERMÈS INTERNATIONAL AND HERMÈS)
OF PARIS, INC.,)

PLAINTIFFS,)

-AGAINST-

MASON ROTHSCHILD,)

DEFENDANT.)

Case No. :

1:22-cv-00384

(VOLUME 2)

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VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF
KENNETH LOO

LOS ANGELES, CALIFORNIA

WEDNESDAY, SEPTEMBER 7, 2022

JOB NO. 5421953

REPORTED BY: D'ANNE MOUNGEY, CSR 7872

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1 DEPOSITION OF KENNETH LOO, TAKEN ON BEHALF OF PLAINTIFFS
2 AT LOS ANGELES, CALIFORNIA, COMMENCING AT 7:09 A.M. ON
3 WEDNESDAY, SEPTEMBER 7, 2022, BEFORE D'ANNE MOUNGEY, CSR
4 7872.

5
6
7 APPEARANCES OF COUNSEL:

8 FOR PLAINTIFF:

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BY: OREN J. WARSHAVSKY, ESQ.

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22 ALSO PRESENT:

23 JON BURGESS, VIDEOGRAPHER

24 VALENTINE FADIÉ, HERMÈS

25

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1 BY MR. WARSHAVSKY:

2 Q You can go ahead and answer.

3 A I don't know what you mean by "didn't
4 create them."

5 Q I mean, would it surprise you if somebody 08:18:32
6 else created those images and sent them to
7 Mr. Rothschild and then he sent them and forward to
8 you as though they were his?

9 MR. MILLSAPS: Objection.

10 BY MR. WARSHAVSKY: 08:18:43

11 Q You can go ahead and answer.

12 A How can I put this? Not all artists create
13 their own art, but they create the concept that they
14 lived in, and sometimes the actual technical aspects
15 of it can be handled by a separate party. 08:19:10

16 And just because somebody pushes a button
17 on a photo -- on a camera and takes a photo doesn't
18 mean that Annie Leibovitz didn't take the photo.
19 Maybe not physically, but her artistic impression of
20 that is what created that photo, even if she didn't 08:19:29
21 push the button herself.

22 Q Do you understand Mr. Rothschild to create
23 the images, or do you find him more the conceptual
24 one, if you know?

25 A As an artist he would be the conceptual 08:19:47

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1 one.

2 Q Do you know if he made the images himself?

3 A I do not know that.

4 Q How do you know that he came up with the

5 concept himself?

08:19:59

6 A Because he's the creator of the concept of
7 the MetaBirkins project.

8 Q Well, do you know that from discussions
9 with Mr. Rothschild or from something else?

10 A That he was the creator of the MetaBirkins
11 project?

08:20:20

12 Q Yeah.

13 A At the time of these text messages, we
14 would have been well into this, so there was not a
15 question that Mason was the creator of the
16 MetaBirkins project.

08:20:34

17 Q Did you see him create any of the art?

18 A Like personally sat next to him and watched
19 him design it on a computer?

20 Q Yeah.

08:20:49

21 A No.

22 Q He told you that he created the art -- let
23 me ask it better.

24 He told you he was creating the images of
25 the MetaBirkins?

08:21:07